

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

LONNIE DRAIN

PLAINTIFF

V.

NO. 4:17-CV-50-DMB-DAS

PELICIA HALL, et al.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

On August 11, 2017, following a *Spears* hearing, United States Magistrate Judge David A. Sanders issued a Report and Recommendation recommending that Mississippi Department of Corrections Commissioner Pelicia Hall be dismissed as a defendant due to the absence of her personal involvement in the wrongdoing alleged by Drain. Doc. #14 at 2. The Report and Recommendation warned that failure to file written objections within fourteen days would limit review of the Report and Recommendation to plain error. *Id.* at 3.

Drain acknowledged receipt of the Report and Recommendation on August 17, 2017. Doc. #19. To date, no objections to the Report and Recommendation have been filed. Accordingly, this Court's review of the Report and Recommendation is limited to plain error. *Morales v. Mosley*, No. 3:13-cv-848, 2014 WL 5410326, at *2 (S.D. Miss. Oct. 22, 2014) (citing *Shelby v. City of El Paso*, 577 F. App'x 327, 331 (5th Cir. 2014) ("When there has been no objection to a report and recommendation, review is limited to plain error.")).

The Court has reviewed the Report and Recommendation and found no plain error. Accordingly:

1. The Report and Recommendation [14] is **ADOPTED** as the order of the Court;
2. Drain's claims against Pelicia Hall are **DISMISSED with prejudice**; and

3. Drain's claims against the remaining defendants shall **PROCEED**.

SO ORDERED, this 28th day of December, 2017.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE